

BOONE COUNTY PLANNING & ZONING COMMISSION
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT, COLUMBIA, MISSOURI
(573) 886-4330

Minutes

7:00 P.M.

Thursday, April 17, 2014

I. Chairperson Harris called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Carl Freiling, Vice-Chairperson	Cedar Township
Paul Prevo, Secretary	Rocky Fork Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge Township
Larry Oetting	Three Creeks Township
Loyd Wilson	Columbia Township

b. Members Absent:

Kevin Murphy	Perche Township
Derin Campbell	County Engineer
Vacant Seat	Bourbon Township

c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Thad Yonke, Senior Planner	Bill Florea, Senior Planner
Paula Evans, Staff	

III. Approval of Minutes:

Minutes from the March 20, 2014 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following procedural statement:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one conditional use permit and two subdivision plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members

of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the planning department staff. At that time, the applicant or the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

There may be individuals that neither support nor oppose a particular request. Those individuals are welcome to address the commission at any time during the public hearing portion of the request.

Please give your name and mailing address when you address the commission. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the commission. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the county commission. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the county Commission. They will conduct another public hearing on Tuesday, April 29th. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, April 29th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Ralph and Rosalee Higgins on behalf of Capital Quarries and APAC Missouri, Inc., for a temporary asphalt plant on 100 acres located at 23300 S. Hwy 63, Hartsburg.

Planner, Uriah Mach gave the following staff report:

The site is located on the east side of U.S. 63, approximately one mile north of the Callaway County line. The current use of the property is for a rock quarry. The quarry was probably opened prior to 1973. In 1974, a conditional use permit was approved to allow construction of underground warehouses in the underground mine area of the quarry. In 2005, a conditional use permit for placement of a temporary Asphalt Plant was issued to APAC for this location. The property is zoned A-2(Agriculture) as is property to the west and south. Adjacent zoning to the north is A-R(Agriculture-Residential) and Callaway County adjoins to the east. This is all original 1973 zoning. The property scored 43 points on the rating system.

The request is to allow temporary placement of a portable asphalt plant. The asphalt will be used fulfill a contract with Missouri Department of Transportation for repaving U.S. 63 South between Jefferson City and Columbia. The contract is expected to be complete by 1 September 2014. The contract requires the hours where paving activities will occur to be between 7:00 P.M. and 6:00 A.M.

Operation of a portable asphalt plant used for a specific construction project is allowed in the A-2 district as a conditional use. The application must meet the criteria for issuance of a conditional use permit. Those criteria are addressed as follows:

- (a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Several possible sets of impacts have been identified including: air emissions, groundwater contamination and noise.

APAC is required to hold an air quality permit issued by the Missouri Department of Natural Resources Air Pollution Control Program. APAC has been issued such a permit and has submitted a relocation request to have the permit applied to this site.

APAC has a general stormwater discharge permit issued by the Water Pollution Control Branch of DNR. DNR conducts periodic inspections at the sites in use. An annual report is submitted to DNR which includes the outfall number and a soil sample from the year (March, June, November, December) when rainfall occurred.

The United States Environmental Protection Agency(EPA) requires APAC to develop a Spill Prevention, Control and Countermeasures Plan. The plan must be prepared by a registered civil engineer. The plan establishes procedures for storage of large quantities of fuel or petroleum products and procedures for dealing with spills. APAC's plan is on file with the planning department.

State and federal agencies have regulations in place to ensure that impacts to air quality, groundwater or surface water quality will not endanger the public health, safety or welfare.

Similar conditional use permits raised concerns about noise. The proposed use will generate additional noise. Much of the additional noise will be generated during nighttime hours due to restrictions in the contract. It should be noted however, that the proposed plant will be located in a quarry where there are no restrictions on hours of operation.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

Noise and odors will be noticeable and will temporarily diminish but not be injurious to the enjoyment of other property in the immediate vicinity. Regulations enforced by state and federal agencies should be adequate to ensure that there are no long term impacts to ground or surface water.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

There is no indication that the proposed use will have a negative effect on property values.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The site has direct access to U.S. 63, which is also the project site. Other utilities already exist on site.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The proposed use will not impede the development of the surrounding area. It may have a long term positive effect on the area due to the resulting upgraded surface of U.S. 63.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The contract between MoDOT and APAC requires all heavy activity to be done during off peak traffic hours. In addition, the purpose of locating the asphalt plant at this location is to minimize the distance that asphalt has to be hauled, which reduces impact to the road system.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-2 zoning district.

Zoning Analysis: The improvement and repair of public rights of way is an obligation of government. The impact of making those repairs can range from minor inconvenience, such as a single lane being closed for repair, to intense intrusion into one's home life, such as the expansion of a road way from two-lane to four-lane that requires a complete shut-down. The placement of a temporary asphalt plant falls closer to the complete road shut-down than the single-lane closure. It generates noise, odor, and can cause traffic patterns to change during its hours of operation. However, the hours of operation mandated by the terms of APAC's contract with the Missouri Department of Transportation and the permits and practices required by the Missouri Department of Natural Resources and US Environmental Protection Agency

should mitigate those impacts. The project is irritating and intrusive, but also time-limited and specific in scope.

Staff recommends approval subject to the following conditions:

1. All equipment and materials used for the production of asphalt at this location shall be removed within 60-days of the date the paving project is complete.
2. Asphalt produced at this location may only be used on the Highway 63 resurfacing project.

Present representing the request:

Robert Hollis, Attorney for applicants, 1103 E Broadway, Columbia
Shawn Riley, Vice President, APAC, 1591 A E. Prathersville Rd., Columbia
Diane Tucker, Environmental Manager, APAC, 7415 W 130th, Overland Park, KS

The applicants presented a power point presentation along with a paper copy of the presentation.

The power point presentation showed an aerial of southern Boone County and the areas of Highway 63 to be resurfaced, also shown was the location of the proposed temporary asphalt plant.

Chairperson Harris asked the location of the temporary plant on the Capital Quarry property and asked if the plant would be in the pit or up on the ridge.

Mr. Hollis stated it is located in the former pit; it is not on the ridge.

Mr. Hollis went through the criteria for conditional use permits, further stating that the applicants are required to meet state and federal regulations. The applicants obtained all the required permits, filed a spill prevention plan and developed additional countermeasures such as white noise back-up alarms; replacing horns with lights; traffic pattern development; muffler use; updated generators; and new foaming technologies. The applicants spoke with neighbors and addressed their concerns.

Mr. Hollis presented a letter from Smith-Lewis LLP, Attorney's at Law, who represent neighbor Mark Rodhouse. The letter indicates that APAC has met Mr. Rodhouse's concerns and he doesn't oppose the location of the asphalt plant.

Mr. Hollis stated that the plant will only be operational for a few months and property values weren't diminished when the previous temporary plant was there in 2005. The necessary facilities are available at the site. Being of a temporary nature the conditional use permit will not impede development. Mr. Hollis believes it has the opposite affect; improvements to Highway 63 positively effects development of surrounding property. The resurfacing will be done overnight during off peak hours so traffic flow should not be hindered. The regulations list this as a conditional use. Permanent plants can only be located in quarries with a conditional use permit; this will be a temporary plant in a quarry that is adjacent to where the work is going to take place. There are only two quarries in Boone County that you could consider under these circumstances and this is one of them.

Chairperson Harris asked if they will quarry the rock on-site rather than bring it in.

Mr. Shawn Riley stated yes.

Chairperson Harris asked if the quarry is active day to day or is it seasonal?

Mr. Riley stated it is seasonal.

Commissioner Poehlman asked if the applicants would be doing anything different in the operation or process that they did in 2005.

Mr. Riley stated yes, it will be addressed in the remainder of the presentation.

Ms. Diane Tucker stated this is a temporary plant and will only be there for a few months. The substantial completion date will be September 1, 2014 but there could be some intermittent operations that go on through October. According to the contract, the entire project must be completed by November 1, 2014. This plant has achieved the National Asphalt Paving Association's Diamond Achievement Award last year. They judge it on many criteria; APAC has had five other asphalt plants gain this award. The applicants brought their Spill Prevention, Control, and Countermeasures Plan to the meeting tonight; it was written by a professional engineer and it details how APAC will handle and control petroleum products during the operation. We also have a Stormwater Pollution and Prevention Plan; this is required by the Clean Water Act. The plan details how we will keep rainwater or stormwater free from any excess sedimentation or petroleum products at the plant. We have obtained a relocation authorization from MoDNR's Air Program; this details how we will conduct our operations and it limits the emissions that can be produced based on standards set by the EPA.

Ms. Tucker stated the Clean Air Act defines "major sources" as those who emit 50 to 100 tons VOC's (volatile organic compounds) into the air per year. You can compare that to a hot mix asphalt plant that produces 750,000 tons of asphalt per year and that plant would only emit a half ton of emissions from truckload out or one ton of emissions from the silos per year. A typical asphalt plant produces 140,000 tons of asphalt per year; the proposed temporary plant is slated for 75,000 tons. There is a huge difference between a major source and what the proposed plant will be producing. There have been a lot of studies by the National Institute of Occupational Safety and Health; there have been no ill health effects from the exposure to asphalt. This company has produced asphalt for many years and we have many paving crews that work with asphalt all summer; we are regulated by OSHA and have to report any occupational injury or illnesses and we don't have that in our company. Studies have demonstrated that there are no ill effects from exposure.

Commissioner Kurzejeski asked how on-site air quality concerns are monitored. Does this plant as it currently functions meet all the EPA and DNR regulations?

Ms. Tucker stated it meets all of the standard requirements. How we demonstrate that is through our permit with DNR; we have a form that we enter tonnage of asphalt produced everyday. That is multiplied by the ambient air impact factor. We are required to stay under 150 milligrams at the property. We have had testing done when the plant first began operations that meets those standards. DNR also shows that we meet those standards and we confirm it by filling out the regulatory documentation.

Mr. Riley gave an overview of the project stating that APAC will be performing work on Highway 63 from Highway 94 to the south all the way to the Broadway exit in Columbia; it includes all the northbound and southbound lanes with the exception of two sections of the southbound near Deer Park and at the Select Turf Farm. The estimated tonnage for the south section is 61,000 tons, the project in 2005 was 110,000 tons. The project involves milling the existing asphalt and overlay with one lift of superpave asphalt. The applicants chose this plant site primarily because of the rock formation; which has a very high quality of aggregate for asphalt than any other location. It gives the tax payers a better product. The close proximity to the quarry reduces trucking and makes for less traffic, it is safer, and burns less

fuel therefore reducing the carbon footprint; it also makes for a lower cost to tax payers. The closer proximity to the project contributes to better efficiency and lessens the duration of the construction; it also reduces traffic across county roads and through the city of Columbia.

Mr. Shawn Riley said that APAC met with land owners adjacent to the property and discussed their concerns; APAC has addressed those concerns. To combat some of the noise APAC will be using white noise back up alarms on the loaders and other equipment at the asphalt plant. Instead of hearing the beeping when a truck is backing up they will hear white noise, like TV static and the noise volume can be adjusted. This is newer technology that wasn't around in 2005. Another concern the neighbors had was that there is a horn that goes off several times throughout the night. We are required by OSHA to have some form of alarm to tell the crews working at the plant that we are getting ready to start the plant up. Several times through the night the plant is stopped and started and you have to sound the alarm whenever you start the plant back up. Whenever a truck finishes its load out a horn signals the truck that it is okay to pull forward. Instead of using a horn for the alarm the applicants will replace the horns with flashing lights. To let the crew know the plant is going to start up they will be brought in to a location where the plant operator can see them before the plant is started up; they will be using walkie-talkies. We will develop a traffic pattern to reduce the backing by the delivery trucks; we are going to make it more circular where they can pull through to reduce a lot of the back up. In the past the trucks would pull in and back up; we are going to create a path so they can pull around. The applicants will use air actuators on the silos, every time a silo would open and close it spits out the air; there are mufflers that you can put on those and it will reduce the noise created by the air escaping. The applicants will use new tier three generators that powers the plant; the new tier three has a lot more exhaust systems on it that muffles it considerably; it also burns fuel more efficiently. To mitigate some of the effects of the odor the applicants will use a new foaming technology; it mixes water with the oil and expands it and it coats the asphalt better and allows us to produce the asphalt at a lower temperature. When you produce it at a lower temperature it gives it less VOC's and therefore less odor.

Mr. Riley stated in conclusion that the applicants feel this is a very important project to the safety and economy of Boone County; it is the best overall location for the plant in terms of safety, truck traffic, and emissions. It is almost half the tons of 2005 and a shorter duration. In 2005 we were there from April until November. Now we will be there from June until September 1, 2014. It is shorter hours for the plant operation; in 2005 we started the plant at 4:00 and now with the restrictions that MoDot has we won't be starting the plant until 7:30 pm. With the improved plant technology it should help mitigate some of the sound.

Commissioner Oetting asked what sections the applicants will skip by Deer Park.

Mr. Riley stated that a few years ago there was new asphalt put down by Deer Park; we will be skipping those areas because they are relatively new. Down by the Turf Farm (Callaway County) there was some new pavement put down.

Commissioner Oetting asked if will be the north or southbound lanes that are being skipped.

Mr. Riley stated southbound.

Commissioner Poehlman asked if aggregate was used from this site in 2005.

Mr. Riley stated no; all the aggregate was brought in.

Commissioner Poehlman stated one of the big differences will be the mining of the aggregate and asked the applicants to explain that process.

Mr. Riley stated the mining is done by Capital Quarries out of Jefferson City. In 2005 they weren't mining there for that project. For this project Capital Quarries was the low bidder.

Open to public hearing.

Chairperson Harris stated that the Commission was presented with a letter from Phebe LaMar with Smith Lewis, Attorneys at Law on behalf of Mr. Rodhouse who lives on Hartman Road indicating that they have reconciled any differences and he is no longer opposed to the location of the plant.

Present speaking in favor:

Brian Treece, 6950 North Shore Drive, Hartsburg

Mr. Treece stated he is the President of the Lake Champetra Homeowners Association which is a private subdivision located off Westbrook Drive immediately north of the proposed site. The Homeowners Association and nine of the neighbors received notice of this hearing because they have property within 1000 feet; this is the impacted area. Mr. Treece has been in communication with those neighbors as well as all 50 homeowners in the subdivision. Mr. Treece doesn't know if anyone is ever in favor of an asphalt plant temporarily next to their property. Several of the neighbors that were present for the 2005 hearing contacted us, we also had several new homeowners that immediately had some buyer's remorse when they received the notice; the notice did not indicate that it was for a temporary plant. Mr. Treece stated he initiated a call to APAC and Mr. Pope and Mr. Riley have been very transparent in their representations of this project. The accommodations that they've made to address the neighbors concerns have satisfied the neighbors in terms of changing the traffic patterns to eliminate the need for dump trucks to back up, changing the back up alarm to white noise will minimize some of the noise. A muffler was installed on the hopper door which was one of the other concerns that people recalled from 10 years ago. Mr. Treece stated he asked that APAC provide the homeowner's association with a single point of contact and phone number for the manager at the site so if there are times that the neighbors have problems they can contact the manager on site; APAC has provided that. For the three month project July 4th was the only holiday three day weekend; the applicants have agreed to stop work on that Thursday night and resume on Monday night to protect the long holiday weekend for the neighbors. Based on conversations with APAC and their accommodations the neighbors are confident that APAC will be good neighbors for the time that they are there.

Chairperson Harris asked when Lake Champetra and the surrounding homes were developed?

Mr. Treece stated his house was built in 1973; it was probably in the late 60's to early 70's. Staff made a recommendation to limit the output from this plant to just Highway 63. Mr. Treece believes that to be too limiting; the neighborhood association maintains 2.3 miles of private road and while there is an asphalt plant sitting next door the neighbors may want to contract with them and enjoy some of the cost savings by having this plant located there because it may not happen for another 10 years. Mr. Treece would rather see the conditional use permit sunsetted at an appropriate time after the construction period rather than limiting the types of construction.

Chairperson Harris asked if there was a gap between the Lake Champetra property and the north end of the quarry property.

Mr. Mach stated they have a common boundary but it is fairly distant from the proposed plant site.

Chairperson Harris asked if the quarry was there before 1973.

Mr. Mach stated he believed so.

Mr. Treece stated he spoke with all those nine property owners that received notice and they have no objection; they were comfortable with the accommodations that were made by APAC.

Present speaking in opposition:

Alice Hartman, 23401 Old Highway 63 South, Hartsburg

Ms. Hartman stated she has dealt with Highway 63 north and Highway 63 south when they were built. She has had large boulders go through the camper while they were doing the rock blasting and had pictures knocked off the wall, dishes knocked out of the china cabinet. Someone has mis-informed the applicants; asphalt is bad for your health. Ms. Hartman said her husband died November 26, 2013 of COPD and he worked with asphalt for 30 years in as a roofer. When he came home his skin was yellow and smelled so bad a bath would hardly get rid of the smell. Ms. Hartman stated she doesn't care how you cut it and how much you cut it down, it smells. Earlier staff stated that there wasn't anything between Lake Champetra and the mine; what about Hartman Road? Ms. Hartman stated she wants to know where it is in relation to Hartman Road.

Mr. Mach showed Ms. Hartman on the aerial.

Ms. Hartman stated if you come down Westbrook and back Hartman Road there is another entrance to the quarry.

Mr. Mach stated he didn't believe the applicants intended to use that entrance. They intend to use the Highway 63 entrance. They will be running heavy equipment I don't see that they would want to deal with a number of turns to get on to Highway 63.

Ms. Hartman stated when they were building Highway 63 north and south they were only supposed to run so many hours. Ms. Hartman stated when her son was a baby 50 years ago she had to call the sheriff because they were running 24 hours a day. Ms. Hartman asked if they were going to do blasting at the site when they get the rock.

Mr. Mach stated that aspect of it is not part of this request; the quarry has been there and is allowed to operate.

Ms. Hartman stated when they blasted she had chips out of her sidewalk; that is how far the rocks go. Ms. Hartman stated her biggest concern is where the plant will be located.

Commissioner Freiling stated it will be located at the south end of the quarry site.

Chairperson Harris showed Ms. Hartman where the plant would be located.

Chairperson Harris asked Ms. Hartman if the rock quarry was there when she moved to her property.

Ms. Hartman stated that the rock quarry used to belong to her father in law. Ms. Hartman asked how long the plant would be there.

Mr. Riley stated three months.

Ms. Hartman stated it is better than it could be. The odor will still be bad, there will be noise and they will be working nights. Ms. Hartman stated her biggest concern was exactly where the plant was going to be located. Ms. Hartman stated she was not necessarily in opposition but just had questions.

Also present speaking in opposition:

Jeremy Bryson, 7551 E Hartman Rd., Hartsburg

Mr. Bryson stated his property is adjacent to Mr. Rodhouse (letter of support introduced earlier). It sounds like APAC has made improvements but one thing that hasn't been discussed is the vibrations. They are going to start at 7:30 pm and continue until 4:00 am and that is the time that people usually sleep. Mr. Bryson stated that is what he experienced in 2005. Due to the noise and smell Mr. Bryson was unable to open his windows. Mr. Bryson stated he understands you need to have improvements to the roadways but at the same time Mr. Bryson is also a property owner. Mr. Bryson stated he is just as close as Mr. Rodhouse and closer than Lake Champetra. Mr. Bryson's concerns are the vibrations and the noise, it is a low rumble all the time; they are going to quarry the rock out of there, it may not be APAC's responsibility but if the asphalt plant wasn't there then they wouldn't be quarrying rock. Mr. Bryson stated APAC has reached out to him and tried to address his concerns but at this point they have not.

Commissioner Martin asked if the quarry is a 24 hour operation.

Mr. Bryson stated no; they have used the area for storage.

Chairperson Harris asked Mr. Bryson how long he has lived on his property.

Mr. Bryson stated he moved there in 2003.

Chairperson Harris asked Mr. Bryson if he was aware when he bought the property that it was adjacent to a rock quarry.

Mr. Bryson stated yes.

Chairperson Harris asked if Mr. Bryson knew what would be involved in the operation of a rock quarry before he bought the property.

Mr. Bryson stated yes.

Chairperson Harris stated Mr. Bryson chose to go ahead and buy the property.

Mr. Bryson stated he wasn't aware there was going to be an asphalt plant there.

Closed to public hearing.

Mr. Hollis stated Mr. Treece suggested that one of the conditions may be too limiting; the current regulations states that a plant is permitted when used for a construction project.

Mr. Shawver read from the regulations under conditional uses in the Agricultural district “Portable asphalt, cement or concrete plant when used for a specific construction project.”

Mr. Hollis stated that the wording “asphalt produced at this location may only be used on the Highway 63 resurfacing project” might be too narrow. That was Mr. Treece’s concern; the applicants propose removing the condition proposed by staff and allowing the regulation to cover it.

Mr. Yonke stated staff wouldn’t have a problem with modifying the condition to state “for Highway 63 and Lake Champetra roads”. If the applicants and Lake Champetra residents work that out they can do that.

Mr. Shawver stated the other alternative would be a suggestion to limit distance for additional projects.

Mr. Yonke stated the intent was that if APAC did work on Highway 54 they would jump over to that project.

Chairperson Harris stated he was fearful of opening up a can of worms if you go down that road.

Mr. Shawver stated the conditions that the staff suggested in limiting it to Highway 63 was the condition that the County Commission placed on the 2005 conditional use permit. There is nothing that stops the applicants from asking the Commission for more leeway.

Commissioner Freiling asked if there was impropriety in mentioning a specific project.

Mr. Shawver stated it may appear to be a quid pro quo; Mr. Shawver stated he would be concerned about having a specific project mentioned; staff would be more comfortable with a distance limitation.

Chairperson Harris stated the applicants have done an excellent job in outreach to the neighbors which is the best way to do it; if Lake Champetra is mentioned specifically it may look as though the neighbors are only agreeable to get something out of it for themselves.

Commissioner Oetting asked the applicants how long it would take them to complete a project such as Lake Champetra.

Mr. Riley stated it would only take a few days.

Chairperson Harris asked the applicants what their alternative was to this site.

Mr. Riley stated they don’t have an alternate site.

Commissioner Poehlman stated you could limit it to a mile or two within the operation because those are the people that are inconvenienced by the noise and smell. They would have the opportunity to be compensated.

Chairperson Harris stated you get back to the quid pro quo. This is a similar situation to someone buying a house next to a livestock operation and then the homeowner complaining about the facility. The operation was already there.

Commissioner Poehlman suggested the applicants provide the other neighbors with a single point of contact so they also have the availability to contact someone.

Mr. Yonke stated there is an opportunity for subdivisions while the asphalt plant is there, to get a project done in a timely fashion; staff is not suggesting that APAC do it for nothing but the neighborhood may be able to realize savings with the asphalt plant in close proximity.

Commissioner Freiling asked if it could be limited to homeowners associations or property owners who were close enough to be notified.

Mr. Hollis stated if the regulation will not limit it to only Highway 63 then perhaps the condition can be removed and let the regulation handle it.

Mr. Shawver stated staff would not want to limit the work to the subdivision; staff is not uncomfortable with the Commission changing it saying "properties within two miles of the quarry".

Mr. Hollis stated the other alternative is to just let the regulation apply. If the regulation includes work in the vicinity then we don't need to make anything more specific.

Chairperson Harris stated the current condition states work only on Highway 63. The Commission would like to broaden that to say property owners in a two mile radius.

Mr. Hollis asked how the staff defined the project. If you define a specific construction project, not so narrow as to imply only work on Highway 63 but as long as it is in the vicinity then we don't have a problem.

Mr. Shawver stated the application says it is for Highway 63 to be resurfaced; it does not mention anything about other properties.

Commissioner Kurzejeski stated the request was specific.

Commissioner Kurzejeski made and Commissioner Wilson seconded a motion to **approve the request by Ralph and Rosalee Higgins on behalf of Capital Quarries and APAC Missouri, Inc., for a temporary asphalt plant on 100 acres located at 23300 S. Hwy 63, Hartsburg with the following conditions:**

1. All equipment and materials used for the production of asphalt at this location shall be removed within 60-days of the date the paving project is complete.
2. Asphalt produced at this location may only be used on the Highway 63 resurfacing project.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Larry Oetting – Yes

Eric Kurzejeski – Yes

Michael Poehlman – Yes

Loyd Wilson - Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on April 29, 2014 and the applicant needs to be present at the hearing.

VI. Rezoning

None

VII. Planned Developments

None

VIII. Plats

The following items were placed on consent agenda:

1. Greenwood Acres. S22-T51N-R12W. A-2. Melvin and Shirley Greenwood, owners. David T. Butcher, surveyor.
2. Melanie. S34-T50N-R14W. A-2. Larry Welch Jr., Melanie Welch, Larry Welch Sr., owners. Kevin M. Schweikert, surveyor.

Commissioner Martin made and Commissioner Kurzejeski seconded a motion to approve as recommended the items on consent agenda and place the staff reports in to the record.

All members voted in favor, none opposed.

Staff reports

Greenwood Acres

The subject property is located on Barnes Road, approximately three miles to the southeast of Sturgeon. The property is 4.9 acres in size, and divided by Barnes Road. The property is currently undeveloped, and zoned A-2 (Agriculture). It is surrounded by A-2 zoning, all of which is 1973 zoning. This proposal is a first step in reconfiguring this property to transfer the portion of the property on the west side of Barnes Road to an adjacent property owner. The plat creates a new lot of 3.74 acres, and the remainder on the west side of Barnes Road, will be surveyed into an administrative survey lot of just over 10 acres in size. The end result will be a single lot on each side of the road, solving the problem of a small space on the west side of Barnes Road with a larger portion on the east side of Barnes.

The subject property has direct access on to Barnes Road, a publicly-dedicated, publicly maintained right of way. The applicant has requested a waiver to the traffic study requirement.

The property is in the Public Water District #10 (PWSD#10) service area. PWSD#10 can provide a single domestic service to this site. Further services will require investment in a study to determine the best route for infrastructure improvement for services. Boone Electric Cooperative will provide electrical service and the Boone County Fire Protection District will provide fire protection services.

Wastewater is proposed to be handled by on-site wastewater systems constructed under permit from the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The administrative survey dealing with the western remainder of this property is currently in process and will likely be finalized prior to final approval of this plat.

The property scored 20 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

Melanie

The subject property is located approximately 3 ½ miles to the south of Harrisburg, to the southwest of the intersection of State Route J & Sweringen Road. The property is approximately 9.25 acres in size and has a house, two sheds, and a dog pen present. One of the sheds will need to be removed from the front setback of the property. The proposal is to divide the property into two lots, one at 2.50 acres with frontage on Sweringen Road and State Route J, the other at 6.51 acres with frontage on State Route J and possessing the existing house. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

Both lots have frontage on to publicly-dedicated & publicly-maintained rights of way, State Route J & Sweringen Road. Access for Lot 1 will come from the existing access on State Route J. Access for Lot 2, with frontage on both Sweringen Road and State Route J, is to come from Sweringen Road. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water Service District #1 has existing service to the lots with a water meter present on each lot. Boone Electric provides domestic electrical service to the existing house and can serve the new lot as well. Boone County Fire Protection District will provide fire protection services to the property.

An existing on-site system provides wastewater service to the house on lot 1. On-site wastewater is proposed for lot 2. The applicant has requested a waiver to the wastewater cost-benefit analysis.

The property scored 39 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The conditional use permit for the kennel for Brummet was approved as recommended.
The conditional use permit from February for the duplex for Card was approved as recommended.

X. New Business

1. Proposed amendment to Subdivision Regulations, **Appendix B. 1.8.2, Lot Specifications.**

Mr. Shawver stated there is a proposed change to the subdivision regulations. There is a stakeholders group that meets weekly and goes over comments received on the proposed changes to the subdivision regulations; this is a proposed change that should be taken care of prior to adoption of the entire revisions to the subdivision regulations. The proposed change relates to the lot specifications of the subdivision regulations that states any plat adjacent to a State highway is required to have a 50-foot setback, the majority of land in Boone County adjacent to a state highway are zoned for agricultural purposes so that is a 50-foot setback automatically. There are some places that have commercial or industrial zoning which have a 25-foot setback; people have built buildings in conformance with the zoning so are precluded from platting the land because it is essentially a self related hardship; they can go to the Board of Adjustment for a variance but the Board can determine that the problem was self created. Most industrial and commercial properties are planned developments at this point; when they did the planned development they show the required perimeter setback and built in conformance with that. The proposed change is an exception for planned developments. During the planned development process staff gets notice to the State Highway Department and they have the opportunity to require additional right of way; generally they do not. This change will allow someone to plat without having to be confronted with a self created hardship.

Underlined wording is proposed to change.

Lots shall be arranged to comply with building permit requirements, the zoning regulations as to size, access, relationship to topography provisions for utilities or other conditions specified below:

- Corner lots shall have sufficient width for compliance with front yard building lines on all streets;
- Side lot lines generally shall be at right angles to straight streets and radial to curved streets;
- When lots abut a state road, the building line shall be 50 feet from the right-of-way. Lots abutting a subdivision street shall maintain a front building line as required by the zoning regulations;
- Lot depth shall comply with Table A

Proposed language:

Lots shall be arranged to comply with building permit requirements, the zoning regulations as to size, access, relationship to topography provisions for utilities or other conditions specified below:

- Corner lots shall have sufficient width for compliance with front yard building lines on all streets;
- Side lot lines generally shall be at right angles to straight streets and radial to curved streets;
- When lots abut a state road, the setback shall be 50 feet from the right-of-way except where a setback has been established in a Planned Development. Lots abutting a subdivision street shall maintain a front building line as required by the zoning regulations;
- Lot depth shall comply with Table A

Commissioner Freiling made and Commissioner Harris seconded a motion to recommended adoption of the amendment to Subdivision Regulations, **Appendix B. 1.8.2, Lot Specifications.**

All members voted in favor, none opposed.

Mr. Shawver stated that the County Commission will hold a public hearing on the proposed change.

XI. Adjourn

Being no further business the meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Secretary
Paul Prevo

Minutes approved on this 15th day of May, 2014